IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.101 OF 2007
IN
LETTERS PATENT APPEAL NO.38 OF 2004
IN
WRIT PETITION NO.3639 OF 2003

The State of Maharashtra & Ors. .. Applicants

Vs.

Hindustan Aeronautics Ltd. & Ors.. Respondents

Mr.C.R.Sonawane, A.G.P. for the applicants

Mr.A.M.Vernekar for the respondent no.1

CORAM : J.N.PATEL &
A.A.SAYED, JJ.

DATED : 3RD MAY, 2007

P.C.:

1. Heard.

2. In order to give fair opportunity to the State of Maharashtra, we are inclined to restore the L.P.A.

3. We may observe that the learned Law

Officers who are appointed by the State of Maharashtra do not attend this court as and when matters are called. The court is made to wait and judicial time of the court is wasted due to the negligence on the part of the State in prosecuting the matters. It has become a common practice. It is high time that the State of Maharashtra takes corrective steps in the matter as we are very much aware that the State represents the cause of the public at large and if they fail to contest the litigation before this court in a manner it is least expected that somebody should represent the State and assist the court which is wanting. We are therefore, imposing a token cost of Rs.10,000/- as a warning / caution to the State of Maharashtra that in future this court would not show any indulgence for such negligence on their part. We therefore, restore the L.P.A. subject to cost of Rs.10,000/- be paid to the respondent no.1 within a weeks time. On failure of the appellants to pay the cost as directed which is a condition precedent, the appeal would stand dismissed. A copy of this order be forwarded to the Principal Secretary, Law and Judiciary Department, Government

of Maharashtra, Mantralaya, of which he is expected to a take serious note. On the cost being deposited, the respondent no.1 is permitted to withdraw the cost.

4. After this court dictated the order, the ld.A.G.P. who is appearing in the matter states that this court has imposed Rs.10000 as token cost, the actual cost would be then in the sum of Rs.1 lac. If this is the conduct and attitude of the learned A.G.P. we feel sorry about it and if the State wants to pay the sum of Rs.1 lac cost for their default, we welcome them. The learned A.G.P. may advise the State that instead of Rs.10,000/- they should deposit Rs.1.0 lac cost in this court. This observation should also be considered as part of our order.

(SHRI J.N. PATEL, J)

(SHRI A.A. SAYED, J)